

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16075 of 2004

Between:

- 1 K. Satyanarayana Murthy S/o. Veera Swamy
H.No. 12-10-92/6, Seethapalmandi, Secunderabad.
- 2 Smt. I. Padma W/o. Sudhakar Rao
H.No. 12-10-92/6, Seethapalmandi, Secunderabad.

..... PETITIONERS

AND

The Commissioner, Malakajiri Municipality, R.R.District at
Malkajiri, R.R.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in threatening to demolish the structures raised in Plot No.68 and 69 situated in Sy.No.237 and 241/1 of G.K.Colony, Malkajiri, R.R.District, without issuing any notice and without following the due procedure as illegal, arbitrary, unconstitutional and consequently direct the respondent not to resort to any coercive steps, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.PALLENAGESWAR RAO

Counsel for the Respondent: MR.R.TIMMA REDDY

The Court at the stage of admission made the following ORDER:

This writ petition is filed complaining that the respondent is threatening the petitioners to demolish the structure without issuing any notice to them.

On mere apprehension only this writ petition is filed by the petitioners. It cannot be presumed that the respondents will not follow the procedure contemplated under the law at the time of demolishing. If there is any deviation in the sanctioned plan while proceeding with the construction by the petitioners, the respondent has to follow the procedure by issuing notice to the parties to rectify the deviations, if any, and then only they can take appropriate action. Without issuing such notice under the provisions of the A.P. Municipalities Act, 1965, the respondent officials cannot interfere with the construction, if any, made by the petitioners.

The writ petition is accordingly disposed of with the above observations. No costs.

A.

Gopal Reddy, J

Date: 09.09.2004

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To

1. The Commissioner, Malakajgiri Municipality, R.R.District at
Malkajgiri, R.R.District.

2. Two CD Copies